

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:01-CR-1H

UNITED STATES OF AMERICA, )  
                              )  
                              )  
                              )  
                              )  
v.                          )  
                              )  
TERRENCE LANCASTER,      )  
                              )  
Defendant.                )  
                              )

ORDER

This matter is before the court on defendant's motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c). Defendant appears to rely on the Fair Sentencing Act of 2010 ("FSA") as well as the Fourth Circuit's decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011).

The court has reviewed defendant's case and finds that he is not entitled to a reduction pursuant to the FSA because of his status as a career offender. Although defendant appears to argue that the holding of Simmons invalidates the analysis used to deem him a career offender, whether defendant is entitled to any relief pursuant to Simmons is not before this court as no such motion has been filed. Additionally, this court has previously adjudicated a § 2255 motion in defendant's case (See

Order of Dismissal filed June 14, 2002, No. 4:02-CV-40-H).  
Therefore, any § 2255 motion filed in defendant's case would  
arguably be successive.

Defendant's motion for reduction of sentence is DENIED.

This 7<sup>th</sup> day of January 2013.

  
\_\_\_\_\_  
Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#26